

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San José, California 95110-1795

Hearing Date/Agenda Number
P.C. 05/25/05 Item
C.C. 06/07/05

File Number
PDC04-063

Application Type
Planned Development Rezoning

Council District SNI
3 13th Street

Planning Area
Central

Assessor's Parcel Number(s)
249-09-009, -010

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Lee Butler

Location: Southeast corner of East Mission Street and North 10th Street

Gross Acreage: 3.1

Net Acreage: 3.1

Net Density: 38.4 DU/AC

Existing Zoning: LI Light Industrial

Existing Uses: Paved parking area and vacant industrial buildings

Proposed Zoning: A(PD) Planned
Development

Proposed Use: Up to 119 single-family attached residential units (18 townhouse units
and 101 podium cluster units)

GENERAL PLAN

Completed by: FLB

Existing Land Use/Transportation Diagram Designations
High Density Residential (25 - 50 dwelling units per acre) &
Medium High Density Residential (12 - 25 dwelling units per acre)

Project Conformance:
☒ Yes ☐ No
☒ See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: FLB

North: Industrial

LI Light Industrial

East: Residential

R-2 Two Family Residence

South: Industrial

LI Light Industrial

West: Industrial

A(PD) Planned Development

ENVIRONMENTAL STATUS

Completed by: FLB

☐ Reuse of EIR
☒ Negative Declaration circulated on May 4, 2004
☐ Negative Declaration adopted on

☐ Exempt
☐ Environmental Review Incomplete

FILE HISTORY

Completed by: FLB

Annexation Title: Original City

Date: 3/27/1850

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

☐ Recommend Approval
☒ Recommend Approval with Conditions
☐ Recommend Denial

Date _____

Approved by: _____

CURRENT OWNER

Bernard Kotansky
Westmont Square, LLC
14651 S. Bascom Ave., Ste. 280
Los Gatos, CA 95032

ARCHITECT

James Guthrie & Associates
Attn: Larry Chan
1 Waters Park Dr., Ste. 108
San Mateo, CA 94403

CONTACT

Charles W. Davidson Co.
Attn: Lou Nepomuceno
255 W. Julian St., Ste. 200
San Jose, CA 95110

PUBLIC AGENCY COMMENTS RECEIVEDCompleted by: FLB

Memos from Public Works, Fire, ESD, Police, & Urban Runoff Coordinator

Other Departments and Agencies

May 4, 2005 Historic Landmarks Commission Synopsis

GENERAL CORRESPONDENCE

Letter from Preservation Action Council San Jose

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

On July 19, 2004, the applicant, Bernie Kotanski, filed a Planned Development Rezoning, File No. PDC04-063, to allow up to 119 single-family attached residential units. A total of 101 podium cluster units and 18 townhouse units are proposed. The subject site consists of 3.1 gross acres at the southeast corner of N. 10th St. and Mission St. The property currently has a LI Light Industrial Zoning designation and is occupied by a paved parking lot and several vacant industrial buildings.

The site has a grade change of over one foot in height running from the high point at the south end to the low point at the north end. It is rectangular in shape with approximately 486 feet of frontage on N. 10th and 11th Streets, and approximately 276 feet of frontage along Mission Street. The site is surrounded by industrial uses to the north, south, and west, and a residential neighborhood across N. 11th Street to the east.

PROJECT DESCRIPTION

The proposed Planned Development Zoning would allow eighteen townhouse units in two separate structures on east side of the subject site. Also proposed are 101 single-family attached residential units in a single podium structure on the west side of the site. Surface parking and vehicular circulation is proposed to run north/south along the site, separating the townhouse and podium structures. The demolition of all existing structures on the site, including the overhead conveyor framework in the public right-of-way that spans N. 10th St., is proposed as part of the residential project. A reduced copy of the plan set is attached for your reference.

Two structures with townhouse units are proposed on the easterly portion of the site, adjacent to N. 11th Street. These structures are two stories each, with the exception of a three-story tower element on each structure that would flank the entry driveway separating the two structures. The townhouse structures are characterized by a stucco finish, composition shingle roofing, and vinyl frame windows. Private open space is provided in the form of front patios.

The residential podium structure is also characterized by a stucco finish, composition shingle roofing, and vinyl frame windows. The three-story structure would have one level of parking that is partially below grade. The finished floor elevation of the first floor is proposed to vary from approximately 4.5 to 6 feet above grade.

ENVIRONMENTAL REVIEW

Planning staff prepared an Initial Study to address the proposed project's effects on the environment. The Director of Planning, Building, and Code Enforcement circulated a Mitigated Negative Declaration (MND) on May 4, 2005. The public review period ends on May 25, 2005. The major issues addressed in the MND include air quality, cultural resources, biological resources, hazardous materials, hydrology, water quality, and noise. Key environmental issues are summarized below:

Air Quality. Standard mitigation measures will be incorporated to ensure that construction activities do not have a significant impact on air quality.

Cultural Resources. The existing structures at the site were surveyed and evaluated by a historic consultant. The historic report concluded that the structures are not eligible for City Landmark designation or listing on the California or National Registers. Therefore, no mitigation is required for historic resources. Standard mitigation measures will be incorporated into the project to ensure accurate evaluation of potential impacts to subsurface archeological resources.

Biological Resources. No sensitive species or habitat exists at the site. The project will incorporate standard mitigation measures for replacement of all trees removed as a result of the project.

Hazards and Hazardous Materials. According to state law, an existing waste oil tank at the site must be either upgraded to present standards or removed. Prior to removal, exploratory borings should be completed if necessary to determine if any impacts to the subsurface soil and/or groundwater are present in the vicinity of the waste oil tank, based on regulators' requirements.

Hydrology and Water Quality. Best Management Practices would be implemented during construction to prevent erosion and control dust, thereby preventing an alteration of receiving water quality during or following construction. If the proposal is approved, prior to the commencement of any clearing, grading, or excavation, the project would comply with the State Water Resources Control Board's National Pollutant Discharge Elimination System (NPDES) General Construction Activities Permit, including the development, maintenance, and implementation of a Storm Water Pollution Prevention Plan (SWPPP) and the filing of a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB).

Noise. Standard mitigation measures will be incorporated to reduce noise impacts to nearby properties during construction. Special construction techniques will be required to ensure that

the interior noise levels meet City of San Jose standards. Exterior noise levels would not meet the long-term exterior noise level of 60 dBA because of their proximity to traffic on N. 10th & 11th Streets. The General Plan recognizes 76 decibels DNL as the maximum exterior noise level necessary to avoid significant adverse health effects. The exterior noise levels are generally less than 70 dB DNL, and therefore would not cause long-term health effects to residents using outdoor private open space.

GENERAL PLAN CONFORMANCE

The subject site falls within the Jackson/Taylor Planned Residential Community. Two General Plan designations exist for the subject site. The majority of the site has a General Plan Land Use/Transportation Diagram designation of High Density Residential (25 – 50 du/ac). This designation covers approximately the westerly two-thirds of the site. The second General Plan Land Use/Transportation Diagram designation on the site is Medium High Density Residential (12-25 du/ac). This designation covers approximately the easterly one-third of the site. With the 3.1 gross acre site, this leaves approximately 2.1 acres of the site in the 25-50 du/ac range and approximately 1 acre in the 12-25 du/ac range. Using the lowest end of the density ranges, 25 du/ac for the 2.1 acre portion of the site and 12 du/ac for the remaining one acre portion of the site, the unit yield would be 63 units. Using the highest end of the density ranges, 50 du/ac for the 2.1 acres and 25 du/ac for the one acre, the unit yield would be 130 units. With 119 residential units proposed, the overall density conforms to the combined General Plan Land Use/Transportation Diagram designation densities.

Furthermore, the individual components, townhouse and podium residential, conform to the General Plan Land Use/Transportation Diagram designation densities. With 18 townhouse units fronting on N. 11th Street, the proposed 18 du/ac density falls within the 12-25 du/ac density range. With 101 podium units proposed on the westerly portion of the site, the 48.1 du/ac density (101 units / 2.1 acres) falls within the 25-50 du/ac range.

ANALYSIS

The primary issues analyzed for this project involve conformance with the Jackson/Taylor Residential Strategy and the Residential Design Guidelines. Secondary issues evaluated include historic preservation and tree preservation.

Conformance with the Jackson-Taylor Residential Strategy

The Jackson/Taylor Residential Strategy sets forth specific guidelines with regards to density, building types, and architecture for both the Medium High Density Residential and High Density Residential General Plan Land Use/Transportation Diagram designations.

The proposed podium housing on the west side of the site generally conforms to the Jackson/Taylor Residential Strategy. Policies and design guidelines for High Density

Residential (25-50 du/ac) areas from the Jackson/Taylor Residential Strategy are noted below in italics. Following the criteria in italics is a discussion of how the proposed podium project complies or does not comply with each of the specified criteria. Staff recommendations for improving conformance with the standards are also included.

1. *Four stories masimum over parking, not to exceed 45 feet in height.* Four stories over podium is proposed, with a maximum height of 48 feet. Staff feels that the 48-foot height is acceptable because it only exceeds the 45-foot standard by a small margin and because only small portions of the structures, various roof peaks, exceed the 45-foot standard.
2. *Depressed parking where first floor residential units do not exceed more than five feet from finished grade.* Depressed parking is proposed as part of the podium project. The first floor residential units are proposed approximately 5.5 to 6.5 feet above grade. This exceeds the standards called for in the Jackson/Taylor Residential Strategy, however, the applicant has indicated that due to the high water table at this location and the change in grade across the site, expensive pumps would be required to lower the height any further. Staff is willing to be flexible with this standard, however, evidence of the water table height will be required at the Planned Development Permit stage. Staff will work with the applicant at the Planned Development Permit stage to ensure the height is lowered as much as possible and to provide a connection between the first floor residences and grade.
3. *15-foot front yard setback for podiums, with porches permitted to extend up to seven feet into the setback and bays and balconies permitted to extend up to five feet into the setback.* A minimum 13-foot setback is proposed for the podium building on the west frontage facing N. 10th Street. Porches, patios, balconies, and stairs would have a minimum 7-foot setback. Additional porches and stairs are anticipated at the Planned Development Permit stage, therefore, Staff is recommending flexibility in the development standards as noted above to allow for these future modifications.
4. *Buildings must be articulated with porches, bays, and balconies (+/- 50' on center) setting up a façade rhythm which reflects the surrounding single-family neighborhood and provide visual interest to pedestrians.* Additional porches, bays, and balconies will be required at the Planned Development Permit stage to allow the building to relate to the street and neighborhood. Development standards have been modified to accommodate such changes. Staff recommends that every first-floor residential unit along N. 10th and Mission Streets have direct exterior access to the street.
5. *Primary entrances must orient towards the street, not towards the interior of a block.* A central pedestrian entrance flanked by one-story building elements was added to the west elevation. The entrance provides handicap access to/from N. 10th Street and allows access to the exercise facility, community room, and pool common area. Staff will work with the applicant at the Planned Development Permit stage to enhance this pedestrian access point on N. 10th Street so that it is a more prominent feature of the project.

6. *Ground floor units accessed from the street wherever possible.* Staff recommends that every first-floor residential unit along N. 10th and Mission Streets have direct exterior access to the street. This would result in additional porches, with stairs leading up to each of them, across the N. 10th and Mission Street frontages.
7. *Exterior stairs to upper floor units are not permitted on street facing facades, including the front portions of side elevations.* Two points of stair access to upper level residences are shown on the N. 10th Street elevation. Except at the first floor area, the stair access is not visible from the street and is architecturally integrated into the structure. Staff will ensure that the stairs remain architecturally integrated at the Planned Development Permit stage.
8. *Architectural diversity is encouraged. Variations in floor level, facades, roof styles, architectural details, and finishes that create the appearance of several smaller projects is encouraged.* Materials, colors, and architectural variations need to be addressed at the Planned Development Permit stage. Staff recommends that the applicant work with Staff at the Planned Development Permit stage to improve the architecture by incorporating elements that reflect the industrial history of the area and by incorporating a larger variety of materials, such as stone or brick accents.
9. *Combination of flat and gable roofs.* Variation in the roof form is proposed with the current plans, however, staff recommends that the applicant provide additional variation in roof form at the Planned Development Permit stage. Roof elements over first floor residential porches should be added.

The proposed townhouse structures on the east side of the site generally conform to the Jackson/Taylor Residential Strategy. Policies and design guidelines for Medium High Density Residential (12-25 du/ac) areas from the Jackson/Taylor Residential Strategy are noted below in italics. Following the criteria in italics is a discussion of how the proposed podium project complies or does not comply with each of the specified criteria. Staff recommendations for improving conformance with the standards are also included.

1. *Three story, 40-foot tall maximum.* The proposal conforms to these specifications.
2. *15 to 20-foot front yard setback with porches, bays, and balconies permitted to extend into that front setback.* A minimum 20-foot setback is proposed for the two-story residential structures, and a minimum 28-foot setback is proposed for the three-story elements. Porches, stairs, and private open space patios are proposed to extend into this front setback area, with private open space patios having a minimum 3-foot setback from the property line on N. 11th Street. The plans currently show a minimum setback of 14 feet for porches. This development standard was reduced to 12 feet to allow for additional variation in the depths and styles of the front porches.

3. *For larger scale projects, development without individual lots is allowed provided that the rhythm and street-front relationships of the surrounding single-family area is maintained.* While the architecture of the townhouse units has been improved, the unit architecture need further work to better relate to the existing neighborhood of single-family detached residences. Staff recommends that the applicant work with staff at the Planned Development Permit stage to provide individual character and distinct recognition of the each separate townhouse unit.
4. *Limit the number of street curb-cuts and provide garage access at the rear of units.* Only one curb cut is proposed on N. 11th Street, and the rear-loaded garages are not visible from N. 11th Street.
5. *Porches, bays, and balconies are required on all street facades to reflect the rhythm and character of the surrounding single-family residential area.* Front porches will be required for each unit fronting onto N. 11th Street, and as noted above, the development standards have been modified to allow additional variation in the front porch depth.
6. Variation in building facades should be achieved, in part, by using a variety of materials *along each street, including stucco, wood siding, stone, and brick.* Staff recommends that the applicant work with Staff at the Planned Development Permit stage to improve the proposed architecture and to incorporate additional variations in material.
7. *Entries must be provided from the ground-floor street facing façade.* All proposed townhouse units have entries fronting onto N. 11th Street.

Conformance with the Residential Design Guidelines

The proposed parking and open space were evaluated for conformance with the Residential Design Guidelines.

Parking

The parking numbers in the proposed development standards accurately reflect the required parking for the podium and townhome units. The required number of parking spaces is as follows:

Parking Required:	227 Stalls
41 - 1br/1 Car Open x 1.5 = 61.5	
12 - 2br/1 Car Open x 1.8 = 21.6	
48 - 2mbr/1 Car Open x 2.0 = 96.0	
10 - 2br/2 Car Gar x 2.7 = 27.0	
8 - 3 Br/2 Car Gar x 2.6 = 20.8	

Staff is recommending a minimum 18-foot setback for surface parking from Mission Street. This will limit vehicular circulation problems by providing stacking and would result in the loss

of two proposed parking spaces along that elevation. The development standards have been modified to reflect this situation.

Staff is also recommending that surface parking be set back a minimum of 50 feet from N. 11th Street to reduce the visibility of these parking spaces. This would result in a net loss of four additional parking spaces. Again, the development standards have been modified to reflect this situation.

The revised parking numbers are as follows:

Parking Provided:	231 Stalls
Podium Garage = 138	
Townhomes Garage = 36	
Private Drive = 31	
10th Street (23 Total) x 1/2 = 11.5	
11th Street (21 Total) x 1/2 = 10.5	
Mission Street (9 Total) x 1/2 = 4.5	

As noted above, the applicant proposes to utilize one-half of the on-street parking stalls adjacent to the project site to satisfy their parking requirements. When one-half of the on-street parking stalls adjacent to the project site are counted, the project exceeds the minimum parking requirements called for in the Residential Design Guidelines. Staff feels that this parking situation is adequate because (1) the project has three street frontages and a large number of on-street parking spaces adjacent to the site, (2) only one-half of the on-street spaces are proposed to be used to meet the Residential Design Guidelines standards, and (3) with one-half of the on-street spaces counted, the project exceeds the minimum Residential Design Guidelines parking standards by four stalls.

Open Space

For townhouse units, the Residential Design Guidelines recommends a minimum of 300 square feet of private open space with a minimum dimension of 15 feet. The applicant is proposing slightly less than the Guidelines recommend. An average of 252 square feet of private open space is proposed in front patio areas for each unit, with the minimum square footage of these areas being approximately 230 square feet. The minimum patio dimension proposed is approximately 14 feet. While the private open space falls slightly short of the recommended, common open space is provided in excess of the minimum recommended. The development standards call out 1.25 square feet of common open space in excess of the minimum recommended for each 1 square foot of private open space below the recommended 300 square feet. Because it is linked to the common open space for the podium units, the common open space is discussed below in more detail.

For the residential units on the podium, the Residential Design Guidelines recommends 60 square feet of private open space with a minimum dimension of 6 feet. The applicant is

proposing private open space in the form of balconies measuring approximately 6 feet by 12 feet for each residential podium unit. At 72 square feet, the balconies exceed the minimum recommended in the Residential Design Guidelines.

The Residential Design Guidelines recommend 50 square feet of common open space for each residential townhouse unit and 100 square feet of common open space for each podium residential unit. therefore the guidelines recommend 2,700 square feet of common open space for the townhouse units (18 x 150), and 10,100 square feet of common open space (101 x 100) for the podium residential units. As noted above, the development standards call out 1.25 square feet of common open space in excess of the minimum requirements for each 1 square foot of private open space below the recommended 300 square feet. With an average of 252 square feet of private open space, the townhouse units are deficient a total of approximately 864 square feet of private open space (average of 48 square feet short x 18 units). This would mean that on top of the minimum common open space requirements, an additional 1,080 square feet of common open space is recommended to be provided. The total common open space recommended, therefore, is $2,700 + 10,100 + 1,080 = 13,880$ square feet. With over 16,000 square feet of common open space proposed, the project well exceeds the minimum common open space requirement.

Staff is supportive of the proposed open space areas as located within the project. The private open space for the podium residential units meet the recommended guidelines. The private open space for the townhouse residential units approaches the recommended minimum, and where the private open space square footage is less than recommended, common open space is provided in excess of the minimum recommended. A development standard has been incorporated to ensure that the owners/tenants of the townhouse units be provided access to the common open space amenities of the podium project

Historic Preservation

A historic analysis was completed by Urban Programmers to survey and evaluate the existing structures at the site using City of San Jose Historic Evaluation Criteria as well as California Register and National Register criteria. The report concludes that significance of the site is related to its association with the food processing industry common in San Jose from 1918 to 1945. However, the structures are not eligible for City Landmark designation or listing on the California or National Registers because (1) they are ancillary to the development of the food processing industry in Santa Clara County, (2) are not an important example of industrial construction methods or materials, and (3) have lost integrity and context because the Heslett cannery formerly located on the west side of N. 10th Street has been removed.

The historic preservation community has expressed interest in preserving the existing overhead conveyor system that currently spans N. 10th Street near the south side of the site. At one time, this conveyor system connected the existing buildings on the site to other cannery buildings on the opposite side of N. 10th Street, however, the buildings on the opposite side of N. 10th Street have since been removed. Also, the conveyor system is no longer present in the overhead structure. Because none of the structures at the site are eligible for City Landmarks designation

or listing on the California or National Registers, no environmental mitigation measures were required. However, the applicant has agreed to incorporate measures into the proposed project to commemorate the historical contributions of the extant buildings on the site. Staff will work with the applicant at the Planned Development Permit stage to develop such tributes.

Tree Preservation

Information provided is not sufficient to establish whether the preservation of trees is feasible. The environmental mitigation measures require standard replacement ratios for any tree removals based on the size of the tree being removed. The overall number of tree removals and the exact number of replacement trees required would be evaluated at the Planned Development Permit stage. Staff will seek to preserve established prime species tree specimens whenever feasible.

COMMUNITY OUTREACH

This proposal was brought to the regular meeting of the Japantown Neighborhood Association on March 10, 2005. It was also presented at a community meeting on April 20, 2005. All owners and occupants within 1000 feet of the subject site were sent a notice of the April 20th meeting. The major issues raised by the public at the community meeting were traffic and the relationship of the podium structure to the street. The public hearing dates have been noticed in a local newspaper, and Planning Staff has been available to discuss the proposal with members of the public. Additionally, prior to the Planning Commission public hearing, an electronic version of the staff report was made available online, accessible from the Planning Commission agenda, on the Planning Divisions' website.

RECOMMENDATION

Planning staff recommends that the Planning Commission forward a recommendation to the City Council to approve the proposed Planned Development Rezoning subject to the following conditions:

During the Planned Development Permit, the applicant shall include in the project the following items to the satisfaction of the Director of Planning:

1. Ensure every first-floor residential unit along N. 10th and Mission Streets has direct exterior access to the street.
2. Enhance the pedestrian access point on N. 10th Street so that it is a more prominent feature of the project.
3. Improve the proposed architecture of the podium structure by incorporating elements that reflect the industrial history of the area and by incorporating a larger variety of materials,

such as stone or brick accents.

4. Provide additional variation in roof form for the podium structure. Roof elements over first floor residential porches should be added.
5. Provide individual character and distinct recognition to the architecture of each separate townhouse unit.
6. Incorporate additional variations in material on the townhouse units.

For the following reasons:

1. The project conforms to the General Plan Land Use/Transportation Diagram designations of High Density Residential (25-50 du/ac) and Medium High Density Residential (12-25 du/ac).
2. The project conforms to the Jackson/Taylor Residential Strategy.
3. The project is consistent with the parking and open space guidelines in the Residential Design Guidelines.
4. The project is compatible with existing and planned uses in the surrounding neighborhood.

Attachments: Maps
 Mitigated Negative Declaration
 Development Standards
 Agency Memos
 Plan set